

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN M. MONTENEGRO,

Plaintiff,

v.

ANTHONY, et al.,

Defendants.

1:23-cv-00474-ADA-GSA-PC

**ORDER DENYING PLAINTIFF'S REQUEST
FOR SETTLEMENT CONFERENCE,
WITHOUT PREJUDICE, AS PREMATURE**

(ECF No. 7.)

Juan M. Montenegro ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The Complaint commencing this action was filed on March 28, 2023 and awaits the Court's requisite screening under 28 U.S.C. § 1915. (ECF No. 1.)

On April 28, 2023, Plaintiff filed a request for the Court to schedule a settlement conference for this case. (ECF No. 7.) Plaintiff's request is premature because Defendant has not appeared in this case.

The court is required by law to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity, such as Plaintiff's action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or

malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

With respect to service, the court will, *sua sponte*, direct the United States Marshal to serve the complaint only after the court has screened the complaint and determined that it contains cognizable claims for relief against the named defendant.

It is too early in this case for the Court to schedule a settlement conference. Therefore, Plaintiff’s request shall be denied, without prejudice, to renewing his request at a later stage of the proceedings.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff’s request for the Court to schedule a settlement conference for this case is premature, and Plaintiff’s request shall be denied, without prejudice to renewing his request at a later stage of the proceedings.

IT IS SO ORDERED.

Dated: May 1, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE